

October 16, 2020

Chair Senfronia Thompson and Members

House Committee on Public Health

Submitted via: PublicHealth@house.texas.gov

RE: Interim Charge 1

Dear Chairwoman Thompson and Members,

Legacy Community Health is a Federally Qualified Health Center in Texas that provides adult primary care, pediatric care, dental care, vision services, behavioral health services, OB/GYN, maternity services, comprehensive HIV care and a wide array of preventive services to more than 130,000 patients each year across Southeast Texas. Legacy has 41 widely dispersed FQHC sites across the state, and we provide services to all patients regardless of their ability to pay. We have identified telehealth and telemedicine as an important mechanism for expanding access to care during the COVID-19 pandemic.

We are thankful for the swift action by Governor Abbott and HHSC that provided a waiver for FQHCs to provide telemedicine services, and we look forward to the finalization of these rules in the fall to make them permanent.

SB 670 Implementation:

Thank you for the opportunity to comment on the implementation of SB 670. We would also like to thank the bill's House sponsor Chairman Price and the Public Health Committee for your continued support of growing telemedicine in the state of Texas. HHSC recently proposed changes to the Telemedicine and Telehealth Services Medicaid policy stating, *"Texas Medicaid MCOs cannot deny reimbursement for a covered health care service or procedure delivered by a health care provider with whom the MCO contracts solely because the covered service or procedure is delivered via telecommunications."* This language will further promote the use of telemedicine, and we look forward to additional language related to FQHCs being a distant site provider in the finalization of these regulations.

The language in SB 670 contained a clarification that Federally Qualified Health Centers (FQHCs) can be reimbursed as a distant site provider or an originating site provider, or both as deemed appropriate. We have been awaiting the finalization of these rules and have been informed that a State Plan Amendment (SPA) is necessary to implement the changes relating to FQHCs. We have been informed that HHSC has submitted the SPA to CMS for approval, and is diligently working to finalize the regulations. We look forward to finalization as we are currently operating under a waiver that expires October 23rd.

SB 750 + HTW Plus Implementation

On September 1, 2020, HHSC announced the launch of an enhanced postpartum care services package for eligible women enrolled in Healthy Texas Women, called HTW Plus, as directed by Senate Bill 750, 86th Legislature, Regular Session.ⁱ HTW Plus services will focus on treating major health conditions recognized as contributing to maternal morbidity and mortality in Texas, including:

- Postpartum depression and other mental health conditions;
- Cardiovascular and coronary conditions; and
- Substance use disorders, including drug, alcohol, and tobacco use.

As a comprehensive primary care provider, Legacy is well-equipped to participate as a provider in the HTW Plus program created by Senate Bill 750, but there are many unknowns regarding the rollout of the program. Legacy hopes to work with HHSC in an effort to ensure providers and beneficiaries are aware and able to access program benefits. **We urge this committee to monitor the implementation of HTW Plus to ensure program effectiveness and the services are reaching the populations intended to be served under the program.**

SB 2132 + Healthy Texas Women Eligibility and Enrollment Changes

Senate Bill 2132, 86th Legislature, Regular Session sought to improve the information provided to new moms who are auto-enrolled into the state-administered Healthy Texas Women program after their Medicaid coverage ends—a process first implemented by HHSC in July 2016. HHSC was directed to consult with the Maternal Mortality and Morbidity Review Committee to improve the process for providing new moms with information about Healthy Texas Women, including the types of services available and providers in her area.

On January 22, 2020, HHSC received approval for the Healthy Texas Women Section 1115 Demonstration Waiver and began drawing down federal funds on February 18, 2020. HHSC submitted an implementation plan to the Centers for Medicare and Medicaid Services (CMS) in July 2020 and reviewed key aspects of the plan in a post-award public forum on July 16, 2020.ⁱⁱ

During the July 16th post-award public forum, HHSC shared a number of changes to Healthy Texas Women eligibility and enrollment policies and practices, citing the waiver's requirement to comply with federal Medicaid eligibility, application, verification, and demonstration regulations.

As part of the Healthy Texas Women 1115 waiver, HHSC is proposing to eliminate auto-enrollment of new mothers from Pregnant Women's Medicaid into Healthy Texas Women — a policy that has been in place since 2016 and has helped to improve continuity of care and outcomes for new mothers. Eliminating this policy and process in the Healthy Texas Women program will directly undermine the goals of SB 750 and SB 2132.

Stakeholders have urged HHSC to consider a number of solutions to limit the impact of proposed changes to Healthy Texas Women enrollment. **We urge legislators to continue monitoring implementation of the Healthy Texas Women Section 1115 Demonstration Waiver during**

the 87th Legislature and if needed, to direct HHSC to implement eligibility and enrollment policies and practices—including those that may require a waiver amendment and/or systems changes—to limit the potentially negative impact of changes currently proposed to Healthy Texas Women enrollment.

We look forward to partnering with this committee to provide data, perspectives, and solutions to treating the uninsured and medically underserved populations. Thank you for the opportunity to engage on these important issues.

Thank you for your consideration of these comments.

A handwritten signature in blue ink that reads "Katy Caldwell". The signature is fluid and cursive, with the first name "Katy" and last name "Caldwell" clearly legible.

Katy Caldwell, CEO

ⁱ Texas Health and Human Services Commission. (2020, August 31). HHSC's Healthy Texas Women Program Launches Enhanced Postpartum Care Services. *Texas Health and Human Services*. <https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/hhscs-healthy-texas-women-program-launches-enhanced-postpartum-care-services>.

ⁱⁱ Texas Health and Human Services Commission. (2020, July 16). Healthy Texas Women 1115 Waiver Public Forum. *Texas Health and Human Services*. <https://hhs.texas.gov/sites/default/files/documents/laws-regulations/policies-rules/1115-waiver/HTW/htw-1115-waiver-public-forum-slides.pdf>.